

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-20-00101-JD
)	
HARVEY VALLES,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant Harvey Valles’ *pro se* Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) (“Motion”) [Doc. No. 53]. Mr. Valles, who was sentenced on January 6, 2021, seeks a reduction of his sentence citing the amendments to the United States Sentencing Guidelines that took effect on November 1, 2024. Motion at 1–2.

However, none of the 2024 amendments to the guidelines apply retroactively to Mr. Valles’ case.¹ Only the amendments listed in USSG § 1B1.10(d) have retroactive effect. *See* USSG § 1B1.10(a)(2)(A). Neither Amendment 826 nor Amendment 829 is listed in subsection (d). Therefore, these amendments do not retroactively apply to Valles’ case.

Even if these amendments did apply retroactively, they would not help Mr. Valles. When sentencing Mr. Valles, this Court did not consider any “conduct for which the

¹ The Court previously dismissed Valles’ motion for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines for lack of jurisdiction. *See* [Doc. Nos. 50, 51].

defendant was criminally charged and acquitted in federal court,” and thus Amendment 826 has nothing to do with his case. Moreover, Mr. Valles was 32 years old at the time of the commission of his offense; thus, youthfulness was a non-factor, and Amendment 829 would not change the Court’s analysis.

Accordingly, Defendant Harvey Valles’ *pro se* Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) [Doc. No. 53] is DISMISSED for lack of jurisdiction because neither Amendment 826 nor Amendment 829 applies retroactively to his case. *See United States v. McKinney*, 354 F. App’x 340 (10th Cir. 2009) (unpublished) (affirming the district court’s dismissal for lack of jurisdiction of prisoner’s motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) where the amendment to the sentencing guidelines was not retroactive).

IT IS SO ORDERED this 25th day of November 2024.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE